

The Carlsbad Current

TWENTY-FOURTH YEAR.

CARLSBAD, NEW MEXICO, FRIDAY, NOVEMBER 26, 1915.

NUMBER 2.

A MEXICAN TO HANG

NO MERCY SHOWN RODRIGUEZ; DEATH PENALTY TO BE VISITED

Chaves County Jury Deliberates Briefly and Returns Verdict of Guilty of Murder in First Degree. Story of Prisoner Not Given Credence.

Roswell, N. M., Nov. 21.—Juan Rodriguez, charged with the killing of Marion Cartwright, a sheepman, was found guilty of murder in the first degree, the jury returning a verdict at an early hour this morning. In New Mexico this verdict carries with it the death penalty. The attorneys completed their arguments about midnight and the deliberation of the jury was not long.

In many respects the case was the most remarkable ever tried in this county. District Attorney K. K. Scott was assisted by L. O. Fullen, formerly county prosecutor, while C. O. Thompson and R. B. Bowers were appointed by the court to defend Rodriguez. Although it was a charity case Rodriguez' attorneys made a hard fight, putting every effort at all stages of the trial to save the Mexican's life.

The arguments last night were brilliant. Both Mr. Thompson and Mr. Bowers made eloquent pleas for their client. Attorneys Scott and Fullen made strong appeals for the conviction of Rodriguez as charged in the indictment. Although it was midnight before the case was completed the court room was crowded to the end.

Remarkable Story Told.
The remarkable story which Rodriguez told on the stand yesterday afternoon was given but little credence by the public but it was thought that he might have created in the minds of the jury sufficient doubt to prevent a verdict of murder in the first degree. However, the verdict indicates that they, too, did not believe the account. Rodriguez told of being attacked by Cartwright, which was regarded by many as highly improbable, and many other features of his version of the trouble were looked upon as in the same class but the state's attorneys could not get him to deviate from it to any extent on cross-examination.

May Ask for New Trial.
It is likely that his attorneys will file the usual motion for a new trial and that sentence will not be passed until after the five days allowed for the filing of the motion has elapsed or the motion passed upon by the court. It is not thought probable that the case will be appealed.

If sentence is passed and carried out in accordance with the verdict of the jury Rodriguez will be the second legal hanging which has taken place in Chaves county. The other execution was in 1895 when a Mexican was executed. Rodriguez is 24 years old. He has a father and two sisters living in Alpine, Texas, and a brother somewhere in Texas. He says he has been in New Mexico only about nine months and that before he came here he lived in El Paso for six years.

JUAN RODRIGUEZ MAKES PLEA OF SELF DEFENSE.

Prisoner Takes Stand and Attacks the Character of Mrs. Havens; Evidence of Escape Is Allowed by Court.

Roswell, N. M., Nov. 20.—Juan Rodriguez charged with the murder of Marion Cartwright, took the witness stand in his own behalf this afternoon and said that all the advances were made by Mrs. Nera Havens, daughter of Cartwright, and that he made the arrangement with her in town which resulted in all the trouble. He said he was sitting on the side of Mrs. Havens' bed when he saw Mr. Cartwright get up and come toward him with a knife drawn. He said he ran and tripped over the wagon tongue and fell. The aged man continued to come toward him with a knife drawn, the witness said, and while he was still on his back he grabbed the neck yoke and hit Mr. Cartwright over the head.

The witness substantially told the same story that the state's witnesses did with the exception of the events immediately preceding the crime and immediately after. He said he was 24 years old, had been in New Mexico only nine months and before that had lived in El Paso six years. He said he had a father, two sisters and a brother living.

The state completed its evidence in

rebuttal late this afternoon and the argument began at a night session. It was thought the jury would get the case by midnight.

Evidence of Escape.

Much time was lost this morning when the attorneys argued at length as to whether testimony relating to Rodriguez' flight was admissible as evidence. The tilt started when Sheriff Young was called to the stand and asked if Rodriguez had been in his possession ever since last August. The attorneys for the defense cited a ruling of the appellate court, which held that evidence of flight in a particular case was not admissible. However, the attorneys could not show to the satisfaction of Judge McClure that the cases were alike, and Sheriff Young was allowed to tell of the flight and the capture. However the state's attorneys on cross-examination this afternoon were not allowed to ask Rodriguez about his escape.

Following Mrs. Havens on the witness stand her two young sons testified. They were with their mother on the night of the murder and on the stand corroborated the testimony of Mrs. Havens. Will Bozart told of Mrs. Havens' coming to his house, three miles away, to get him to bring the injured man to the city and described the condition he found Cartwright in when he got to the camp. Dr. W. E. Goodsell testified to the extent of the wound and the operation which was necessary to remove a piece of the skull from the brain. The piece of the skull was shown to the jury.

The court room was crowded during the day, even the aisles being packed with spectators. This was especially true while Rodriguez was testifying.

BUNCH CASE DISMISSED.

Last Saturday afternoon the State, on motion of the district attorney, dismissed the case of the State of New Mexico vs. Jos. C. Bunch. Last September Mr. Bunch waived his constitutional rights and pleaded to an information charging him with the killing of J. R. Hines. The arrangement to summon a jury for the November session of the September term of the district court here and give Mr. Bunch a trial, was abandoned and the case dismissed. Mr. Hockenhall, the assistant district attorney, appeared before the court, the Hon. Granville A. Richardson, and stated that the district attorney's office had made a thorough investigation of the case and had found no sufficient testimony upon which to make a prosecution. The court ordered the case dismissed and adjourned and his bondmen, exonerated from further liability on the bond filed by defendant.

COURT IN ARTESIA.

Judge Richardson is Coming Next Monday to Dispose of Non-Jury Cases.

—Artesia News.

Judge Granville A. Richardson will be in Artesia Monday of next week to hold court and dispose of some non-jury cases from this end of the county. This is the second time in the history of Artesia that district court has been held here. Judge Richardson will take up the following cases: Brainard vs. Chase. Cockerham vs. Ferree. Mrs. W. H. Campbell vs. Ferree. W. L. Gage vs. R. B. Embree. Williams vs. Gleeman, First National bank, garnishee. Haney vs. Gleeman. Randall vs. Swebston, et al. Woodworth vs. Turner, et al. State National Bank vs. J. D. Terry, et al. Madden vs. Haney and Gilliland. Inman vs. Bowman. Mrs. W. H. Campbell vs. Thomas. P. V. Pardon et al vs. G. R. Brainard et al. Gage vs. Tupper, et al. McCormick vs. McKinney and Mann. Town of Artesia vs. Dawson, matter of costs.

The Witt, Walker & Company, are recovering the house of Merchant Live Stock Company, in La Huerta, this week. They are using shingles and will take 35,000 or more.

Sidney Bearup made a trip to the plains Wednesday demonstrating a car, going by way of the San Simons ranch. Sidney returned last night.

WOODMAN CIRCLE TO ENTERTAIN SUPREME GUARDIAN.

The Woodman Circle will entertain this evening in honor of the Supreme Guardian, Emma B. Manchester, of Omaha, Nebraska, and the following program will be rendered at 7:30, sharp:

Music.
Welcome address, Judge D. G. Grantham.
Response, Julia A. Sharp, State Manager.
Solo, Mrs. Joe C. Bunch.
Piano Solo, Miss Jim Penny.
Address, Mrs. Emma B. Manchester, Supreme Guardian.
Duett, Miss Harriett Vaughn and Mrs. Bunch.
Address, Mrs. Merrifield, Grand Guardian.
Music, Bunch Orchestra.
Solo, Miss Grace Daugherty.
Address, Mrs. Isabelle Powell.
Music, Male Quartette.
Drill, by the degree team of Carlsbad, Grove No. 9, Woodman Circle.
Music, Bunch Orchestra.
Banquet.

EAKIN-MITCHNER.

The marriage of Samuel K. Mitchner and Miss Nellie May Eakin took place in the Presbyterian church Wednesday evening at eight o'clock and was solemnized by the pastor, Houston W. Lowry. Mrs. Tib Mitchner, sister-in-law of the bridegroom, was present from a distance, and the father, sister and brother of the bride were also present. Besides the members of the immediate families, Mrs. Linn and Mrs. Owen were witnesses. The Presbyterian book of forms was used in the ceremony. Later the entire group went to the Linn home, and later still the newly wedded pair took the night train north. For the time they will make their home in Floyd, La.

Miss Nellie Eakin is the older daughter of John Eakin, has grown to womanhood in Carlsbad, was a graduate of the class of 1908. Was one of the P. E. O's. who gave her a pleasant surprise, calling at Mrs. Linn's after the ceremony. She was very prettily dressed for traveling in a becoming suit of blue. Mr. Mitchner is well and favorably known here and they have friends far and near that wish them a happy married life. The Current wishes them only the best in life.

FOR THAT COUGH
SYRUP WHITE PINE MENTHOLATED
PENSLAR

We have all the others, but we recommend the above.

WHY? because we consider it the BEST.

EDDY DRUG STORE

PENSLAR PENSLAR

COMPANY "B" TURKEY SHOOT.

Despite the bad weather of the morning, six turkeys were shot off at the Armory during Thanksgiving day. The outdoor shoot of the afternoon was enjoyed by quite a crowd, and good-natured rivalry prevailed with the American spirit of fairness evidenced in all close decisions.

Several times four or five men tied for high scores, until some one, perhaps a boy in his teens, and sometimes an older man, went a single shot better, and won the turkey.

At the morning shoot, Fred West and George Frederick each won a bird made famous by our National Thanksgiving custom, although Tom Woods had tied Frederick for high score, the tie being decided by flipping a coin.

At the afternoon shoot Wilkinson won in the fifty yard shoot; in the fifty foot matches on Company B's regulation target first turkey was won by Arthur Nut with score of 45 out of 50; second by Dean Smith with same score, and the last by Joe Johns with a score of 44.

In the first of these last mentioned matches, five men, Casper Fomark, Milton Smith, Will Ed. Carter, Joe

CAUGHT, SENTENCED, PENNED.

The record for swift sentences in Eddy county probably occurred last Saturday when Deputy Bob Armstrong brought in Al Buford and Gregorio Duran on the evening train from the south and both were sentenced within three hours, receiving sentences of fifteen months and not over eighteen. Buford was caught in Oklahoma by the deputy who picked up Duran at Pecos where he was held in jail. Duran is the Mexican wanted for theft of G. M. Pendleton's horses last spring and was apprehended at Pecos and held there. Buford was wanted for forgery, raising a check from \$6.00 to \$60.00. Judge Richardson happened to be holding an adjourned term of court here last Saturday when the parties were brought in and both pleaded guilty and were at once sentenced, getting off light considering the crimes they committed. The check which Buford raised was given him by the Harroun Land Co., and was cashed at the Hill saloon in Loving after being raised. The horses the Mexican stole were recovered by parties that were employed by Carl Gordon and the Mexican was caught at Pecos by officers who held a warrant secured by Gordon and given the officers.

CHIEF JUSTICE ROBERTS.

Chief Justice Clarence J. Roberts and Leroy O. Moore, of Santa Fe, visited Carlsbad Saturday, remaining until Monday evening. While here they were the guests of the Merchants and Bujac families, dining at the Bates Saturday with Capt. C. W. Merchant and the families of W. H. L. E. John and Major Bujac and wife. Saturday they went duck shooting with Carl Livingston and Maj. Bujac. Judge Roberts and Mr. Moore were out for a short vacation and selected the Pecos valley to spend it in.

HENRY SLATE MURDERED.

Many of the old timers will remember Henry Slate, who lived on Lone Tree draw east of Carlsbad, for many years. Henry was murdered by Mexican badits last week in or near Chihuahua. He was employed as a cow puncher and horse breaker and was killed while in company with a man of sixty years who was also murdered.

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Johns and Henry Collins, tied for second place with score of 44 each, and on the last match Johns, Chilcoat, Linn Mudgett and Henry Collins had tied with 43 each, when Johns took another chance and made the winning score of 44.

The Company has a half dozen fine turkeys on hand to dispose of yet, some big twenty pound gobblers, and will sell these at market price.

Three or four applicants will take civil service examination tomorrow at the Reclamation office. A clerk for substitute is needed in the post office at this place. Examinations will begin at 9 o'clock.

The school at Rocky entertained Wednesday morning with a program and dinner on the ground. All that were present enjoyed the readings and music, owing to the ugly wind the school from Lakewood did not join them as they had planned. Visitors were Mesdames Bell, Jones, Lenard and Elmo, Mr. and Mrs. Ed. Lamb and Mr. Lamb's partner, R. B. Webb, and family that are spending the winter on Rocky.

Christina & Co., INSURANCE.

TEACHERS MEETING

NEW MEXICO EDUCATIONAL ASSOCIATION MEETING.

John Milne, of Albuquerque, Has Clear Field for Presidency With Santa Fe Leading for Next Convention.

SANTA FE GETS NEXT TEACHERS' MEETING.

Monday evening's Albuquerque Herald.

In spite of the fact that the election for the next meeting place of the New Mexico Educational association showed, on the face of the returns, a majority of six votes for Albuquerque, over Santa Fe, the convention this afternoon decided that there had been irregularities in the voting and recommended that the executive committee of the association order that the next convention be held in Santa Fe, subject to the restrictions imposed by the convention allowing the committee to change the convention city if proper provisions are not made for the entertainment of the delegates.

This decision of the association means, in effect that the next teachers' convention will be held in Santa Fe.

The twenty-ninth annual convention of the New Mexico Educational association assembled in its first general session in the national guard armory at Fifth street and Silver avenue shortly after 3 o'clock this afternoon. At that hour the roll books of Secretary Wagner showed the enrollment to be somewhat past the 1,500 mark, establishing a new attendance record, and with the prospect that the total attendance would be materially increased by arrivals tonight and tomorrow morning.

Last night it seemed that the attendance might fall below that of last year, although the enrollment of members was fully up to last year's standard. Many memberships had come in by mail and it was thought that because of the absence of the teachers from Taos and Rio Arriba counties and a light attendance from the Pecos valley that the actual attendance might fall below that of last year.

This morning, however, brought to Secretary Wagner and his assistants the busiest three hours in their lives. From nine o'clock when the first of the section meetings began to draw the teachers to the high school building until nearly noon, the secretaries were kept busy writing membership notices and Mr. Wagner indicated that it was the largest personal enrollment at an opening day during his service as secretary of the organization.

The defection of Taos county from the association has caused no surprise among the teachers here. Considerable prominence has been given to the opposition of the county superintendent of that county to the association and educational matters in general, and many teachers were heard to remark this morning that they thought undue prominence had been given to the Taos county man and his more or less childish attitude. Aside from this the affairs of the association at the opening of the general sessions this afternoon were pronounced to be in the most satisfactory condition and the convention proper opened under most auspicious circumstances.

The opening of the first general session this afternoon was postponed until 3 o'clock, one hour, because of the funeral of Judge Edward A. Mann which a very large number of the visiting educators and all of the Albuquerque members desired to attend. The postponement also was taken formally by the convention managers as a mark of respect to the deceased lawyer.

The session was called to order shortly after 3 o'clock by C. C. Hill of Roswell, the retiring president and the opening number was a selection by the Albuquerque high school orchestra. The invocation was delivered by Rev. John R. Grass, of this city.

Albuquerque's welcome to the teachers was delivered by Hon. M. E. Hickey, president of the Albuquerque board of education, a former teacher and widely known among the educators of the state. It was a brief forceful statement of Albuquerque's cordial greeting to the teachers of New Mexico to the City's pleasure in playing host to such an organization and of its importance in the affairs of the state. The response to the welcoming ad-

dress was by Miss Isabel L. Eckels of Silver City, superintendent of schools for Grant county. It was a general acknowledgement of the welcome and an appreciation of Albuquerque's reception and entertainment of the teachers not only this year but in former years.

There followed a musical selection by the University Girls' Glee club.

Brief addresses were scheduled for the afternoon session by Mrs. Clara Wilson Stewart and Dr. Michael V. O'Shea, two of the convention stars, who also are to speak tonight. The inaugural address of the president J. H. Vaughan of State College, was postponed until tonight in order not to crowd the afternoon program and to permit an adjournment at 4 o'clock for the reception now being tendered by the Parent-Teachers' association in Masonic Temple.

The most important business ahead for this afternoon's session was the appointment of committees, the nominations of officers and the nominees for the next place of meeting.

John Milne, superintendent of the Albuquerque city schools and for many years a prominent figure in the work of the association, appeared this afternoon to have a clear field for the presidency of the association next year. It was announced last night by friends of Alvan N. White, state superintendent of education, that he had withdrawn in Mr. Milne's favor and would second his nomination. This made it probable that no other nomination would be offered this afternoon.

Secretary J. H. Wagner will be re-elected as will C. L. Burt of Mountair to the position of treasurer.

M. L. Fox will present the claims of Albuquerque for the next convention and R. E. Asplund will ask for the convention for Santa Fe. There was a close division of sentiment apparently on the next meeting place this morning. A canvass of several hundred teachers showed that the race would be very close. It seemed probable, however, that Santa Fe had a slight lead in the sentiment today. How this will be affected by later events could not be foretold. Certainly when the teachers went into session this afternoon Santa Fe was somewhat a favorite.

Reception at Masonic Temple.

The Parent-Teachers' association of Albuquerque were prepared to receive the teachers at Masonic Temple in a formal reception immediately after the close of the afternoon session. The reception hours were from 4:30 to 6 o'clock and it was expected that all of the visiting teachers would attend. Refreshments had been made for welcoming the visitors.

Schoolmasters to Dine.

At 5:30 this afternoon the Schoolmasters' club, an organization of men who are chiefly in executive positions in the schools and colleges of the state, was to meet at the Alvarado hotel for a brief business session, and to adjourn to the Taft dining room at 6 o'clock for the club's annual dinner. A number of prominent men have been invited to be guests of the club, including Mr. O'Shea, Mr. Lantz and other visiting speakers of the convention.

Tonight's Strong Program.

A splendid program is offered in tonight's general session at the armory. It was announced this morning that admission will be by membership card, or upon payment of an admission fee of 25 cents by those who are not members of the association. The program as re-arranged this afternoon follows:

Music—University of New Mexico orchestra.

Inaugural address—President J. H. Vaughan, of State College.

Solo—Miss Elizabeth Garrett, of Las Cruces.

Address—Mrs. Cora Wilson Stewart of Frankfort, Ky.

LOSES VALUABLE MILK COW.

The Davis Dairy Co. this week lost a fine milk cow, the second one this year, due to the presence of baling wire in the alfalfa. It is unfortunate but true that many such cows have been lost the past year in the valley from the same cause. The next legislature should pass a stringent law making it compulsory that all wire remnants be removed from the field, thus making it impossible that same be picked up with loose hay and put in the baler.—Las Cruces Citizen.